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12 *Attorneys for Defendants*  
*C. R. Bard, Inc. and*  
13 *Bard Peripheral Vascular, Inc.*

14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE DISTRICT OF ARIZONA**

16 IN RE: Bard IVC Filters Products Liability  
17 Litigation

No. 2:15-MD-02641-DGC

**DEFENDANTS' RESPONSE IN  
OPPOSITION TO PLAINTIFF'S  
MOTION *IN LIMINE* NO. 8 TO  
EXCLUDE ANY REFERENCE TO  
THE ADVERSE IMPACT OF A  
PLAINTIFF'S VERDICT AND  
TORT REFORM**

(Assigned to the Honorable David G.  
Campbell)

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Bard”) submit this response in opposition to Plaintiff’s Motion *in Limine* No. 8 and respectfully show the Court as follows:

### **ARGUMENT AND CITATION OF AUTHORITY**

Bard submits this response to Plaintiff’s Motion *in Limine* No. 8 which seeks to exclude reference to the adverse impact of a verdict for the Plaintiff, tort reform, or the “litigation crisis.” Bard will not raise these topics during *voir dire* or opening statements. However, Bard reserves the right to raise the issue should it become relevant. As the Plaintiff admits, whether an argument is relevant and proper depends on the evidence admitted in the case. It is premature to exclude these arguments until the Court hears the evidence admitted. Further, the Plaintiff seeks punitive damages in this case, and should the jury decide to consider and/or award punitive damages, Bard is entitled to argue against such an award and the impact of it based on the evidence. *See Ford v. Uniroyal Goodrich Tire Co.*, 476 S.E.2d 565 (Ga. 1996). It is permissible to draw inferences from the evidence and make arguments in closing, and if the Plaintiff disagrees with the inference, that is a matter which may be addressed in her closing argument.

### **CONCLUSION**

For these reasons, Bard respectfully requests that the Court defer ruling on Plaintiff’s Motion *in Limine* No. 8 unless and until it becomes an issue in the case.

RESPECTFULLY SUBMITTED this 9th day of February, 2018.

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**Attorneys for Defendants C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of February, 2018, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

s/Richard B. North, Jr.  
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